

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 8, 2004.

Claims 1-29, 34-43 and 46-57 are pending. Claims 30-33, 44 and 45 have been withdrawn from consideration.

Respecting the objection to the drawings as set forth on page 4 of the Office Action, the Examiner will see the numeral "12" appearing at page 13, line 9. Reconsideration and withdrawal of that objection is requested.

Respecting the rejection of claims 1-29, 34-43 and 46-57 under 35 U.S.C. § 101, on the assertion that they are directed to non-statutory subject matter, the Examiner will note that the independent claims have been amended in a manner which avoids their being asserted to constitute "programs per se". Reconsideration and withdrawal of the subject objection is therefore requested.

Further, claim 57 has been amended to avoid the ground of rejection under the second paragraph of § 112 and withdrawal of said rejection is requested.

Substantively, claims 1-8, 10, 12, 14-25, 27, 28, 34-41, 48 and 56 are stated to be anticipated by Franklin (6,105,069). Claims 9 and 29 are stated to be obvious over the aforementioned Franklin document. Claims 11, 13, 26, 46, 47, 50-52, 54 and 55 are stated to be obvious over Franklin, in view of Mangat (6,049,799). Claims 42 and 43 are stated to be obvious over Franklin, in view of Todd (5,867,714). Claims 49 and 53 are stated to be obvious over Franklin and Mangat, in further view of the Elmasri article, "Fundamentals of Database Design". Claim 57 stands rejected on grounds of obviousness over Franklin, in view of Melchione (5,930,764).

Independently of the foregoing, claims 1-29, 34-43 and 46-57 are being provisionally rejected under the judicially created doctrine of obviousness-type double patenting, over claims 15 and 22 of copending application number 09/732,386.

The applicant defers responding to the provisional double patenting rejection, pending resolution of whether the conflicting claims will, in fact, become patented.

However, relative to the rejection of the instant claims on grounds of either anticipation or obviousness in view of prior art, the primary reference of which is, in each instance, the

Franklin patent, applicant requests reconsideration in view of the amendments to the claims herein and the following remarks.

The invention in each of the independent claims in the instant application is very intimately and specifically concerned with the correlation of "software agreement data" -- essentially contract information -- with computer "products" stored on and operating within the actual computer. The invention is essentially a visually driven management tool that allows a manager or a user to easily access or recall contract information or agreement information relating to a particular software product.

Very significantly and importantly, as used in the instant invention, "software agreement data" or "software agreement information" does not, per se, encompass execution information or restriction or control data that by itself controls access or allows or disallows usage or utilization of licensed software.

To remove any ambiguity concerning the scope of the instant claims, the applicant has amended the specification, explicating the meaning of the terms, without adding new matter. In the claims, it has been explicitly recited that the referenced software agreement data that is being correlated, constitutes non-execution related information. In other words, the information being correlated is for the purpose of enabling the visual perception thereof, rather than the utilization thereof, to dynamically control software.

Turning to the primary Franklin reference, as its title "licensing controller using network directory services" readily reveals, this document is specifically directed to making available and widely disseminating "attributes of the resource object containing licensing control information." The licensing attributes may be used by executables to control access by a user to properly license instances of a resource corresponding to the resource object.

Indeed, column 1, beginning at line 12, specifically states that the object of this document is to provide "novel systems and methods for providing run control of applications, using directory services systems, as well as simplified, embedded control of the application licensing with minimum effort."

The license agreement information that is being correlated herein, specifically excludes data or information that itself is utilized in "run control of applications" and/or which has anything to do with "embedded control of application licensing".

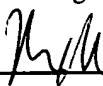
The foregoing remarks are applicable to each of the independent claims in the application, the rejection of which has been based on the primary Franklin patent that has been discussed above. The remaining dependent claims include all of the limitations of these independent claims and impose further limitations thereon which distance them even further apart from the prior art. As such, applicant contends that all of the claims in the application are clearly patentable.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 3, 2004

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Name of applicant, assignee or  
Registered Representative

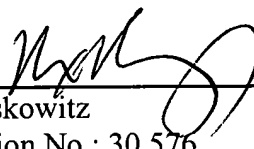


Signature

May 3, 2004

Date of Signature

Respectfully submitted,



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